

Translation

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 2002P06591WO | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/DE2003/001235 | International filing date (day/month/year) 04 April 2003 (04.04.2003) | Priority date (day/month/year) 19 April 2002 (19.04.2002) |
| International Patent Classification (IPC) or national classification and IPC H04L 12/56 | | |
| Applicant SIEMENS AKTIENGESELLSCHAFT | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

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|--|--|
| Date of submission of the demand 07 October 2003 (07.10.2003) | Date of completion of this report 13 July 2004 (13.07.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/001235

I. Basis of the report

1. With regard to the elements of the international application:^{*}

- the international application as originally filed
 the description:

pages _____ 1-18 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

- the claims:

pages _____ 1-14 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19)
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

- the drawings:

pages _____ 1/1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

- the sequence listing part of the description:

pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/fig _____

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).^{**}

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/01235

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-14 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-14 | NO |
| Industrial applicability (IA) | Claims | 1-14 | YES |
| | Claims | | NO |

2. Citations and explanations

Reference is made to the following documents:

D1: DE 39 22 677 A (GERLACH DETLEF RAINER JOACHIM)
24 January 1991 (1991-01-24)

D2: US-A-5 086 394 (SHAPIRA SHMUEL) 4 February 1992
(1992-02-04)

1. D1 is considered to be the prior art closest to the subject matter of claim 1. Said document discloses (the references in parentheses relate to D1):

method for reproducing and distributing information for the purpose of identifying profiles of subscribers of a communications system, wherein:

- (a) each subscriber defines and stores a subscriber-specific profile through its respective input unit in a communications device and/or in a module coupled to a communications device (see D1, column 2, lines 43-50),
- (b) by means of each module coupled to one of the communications devices, on the basis of a wireless, locally restricted network technology, profiles of other subscribers of the communications system are received (see D1, column 2, lines 54-56),

- (c) the received profiles are compared with the profile defined and stored in the respective communications device, according to a profile-specific correlation threshold (see D1, column 2, lines 64-67), and
- (f) if the profile-specific correlation threshold is exceeded in any instance, the subscribers of the corresponding subscriber-specific profiles are notified (see D1, column 3, lines 9-16).

The subject matter of claim 1 therefore differs from the known method in that the following steps are additionally defined:

- (d) by activation of the subscriber of the communications device, the received profiles of the communications device are stored and are **mutually compared** according to profile-specific correlation thresholds,
- (e) by activation of the subscriber of the communications device, the **received profiles** of the communications device are **stored** and, when the communications device changes location and/or with the lapse of time, they are **compared**, according to the profile-specific correlation thresholds, with profiles newly received and stored as a result of the change of location and/or the lapse of time, by **means of the one module coupled to the** communications device on the basis of the wireless, locally restricted network technology.

In D1, however, a comparison is only carried out with **resident** profile data, the received profiles are not stored for a relatively long period, and the stored profiles are therefore likewise not compared with further, newly received profiles.

The problem addressed by the present invention can therefore be considered that of identifying more extensive matches between profiles.

The solution proposed in claim 1 of the present application cannot be regarded as inventive (PCT Article 33(3)) for the following reasons:

Regarding the storage of third-party profiles and the mutual comparison of the received profiles, D2 (see D2, column 3, lines 16-27) describes the same advantages as the present application. In D2, received profiles are mutually compared and the appropriate terminals are notified of matches. In D2 this takes place on a central server, and this function of the central server is fulfilled in exactly the same way by the terminal in claim 1. A person skilled in the art would therefore consider the inclusion of this feature in the method described in claim 1 to be a routine measure for solving the problem of interest.

2. D1 is considered to be the prior art closest to the subject matter of claim 10. Said document discloses (the references in parentheses relate to D1):

module which can be integrated into a mobile communications device of a subscriber and/or which can be coupled to a mobile communications device of a subscriber via an interface (see D1, column 3, lines 47-48) and which has at least the following components:

- (A) a memory unit for storing the subscriber's resident profile (see D1, column 2, line 13),

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/DE 03/01235

- (B) a transceiver operating on the basis of a wireless, locally restricted network technology for sending and receiving (scanning) third-party profiles of other subscribers (A, B) of a communications system (see D1, column 2, lines 18-21),
- (C) a memory unit for storing the third-party profiles that have been received (see D1, column 4, lines 20-21),
- (D) a correlation unit for mutually comparing profiles (see D1, column 2, lines 14-15),
- (E) a signalling/synchronisation unit (see D1, column 2, lines 24-26).

The subject matter of claim 10 therefore differs from the known method in that the correlation unit **mutually** compares received profiles, whereas in D1 this is done only between the resident profile and one received profile in each instance. As it is worded, D1 explicitly discloses that the stored profile and the received profile are also "mutually" compared, and so novelty is lacking on the basis of that. However, even if the basis is the feature not explicitly claimed, namely that received profiles are mutually compared, there is still no evidence of an inventive step. The arguments concerning this difference correspond to those concerning inventive step in claim 1... The solution proposed in claim 10 of the present application can therefore likewise not be regarded as inventive (PCT Article 33(3)).

The alleged advantage of the claimed solution, that of more extensive distribution and the use of an intermediary, is likewise sufficiently known from the D2 solution. Furthermore, there does not appear to be any advantage resulting from a "serverless"

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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| International application No. PCT/DE 03/01235 |
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architecture when, according to the claim, every mobile device acts as server.

3. The features of dependent claims 2-9 and 11-14 are either known from D1 or D2 or involve only routine design measures.
4. The features of the **relay** of received profiles from **subscriber device** to **subscriber device** in a **decentralised manner**, as described on page 7 of the description, are not known from the prior art, however.

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